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LETTER DATED 6 SEPTEMBER 1995 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which was addressed to me on 6 September 1995 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). This report by the Co-Chairmen contains the certification referred to in Security Council resolution 1003 (1995) of 5 July 1995.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Annex

Operations of the Mission of the International Conference on the Former Yugoslavia to the Federal Republic of Yugoslavia (Serbia and Montenegro)

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 13 of Security Council resolution 988 (1995) of 21 April 1995 and paragraph 2 of Council resolution 1003 (1995) of 5 July 1995. In those resolutions, the Council requested that the Secretary-General submit every 30 days for its review, and no fewer than 10 days before 18 September 1995, a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. It will be recalled that, on 4 August 1994, the following measures were ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

(a) "To break off political and economic relations with the 'Republika Srpska'";

(b) "To prohibit the stay of the members of the leadership of the 'Republika Srpska' (Parliament, Presidency and Government) in the territory of the Federal Republic of Yugoslavia";

(c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the 'Republika Srpska' except food, clothing and medicine."

3. On 19 September, 3 October, 2 November and 5 December 1994, and 5 January, 3 February, 2 March, 31 March, 13 April, 18 May, 25 June and 3 August 1995, the Secretary-General transmitted to the Security Council reports from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the state of implementation of the above-mentioned measures (S/1994/1074; S/1994/1124; S/1994/1246; S/1994/1372; S/1995/6; S/1995/104; S/1995/175; S/1995/255; S/1995/302; S/1995/406; S/1995/510 and S/1995/645). The report dated 3 August 1995 contained the following certification from the Co-Chairmen:

> "In the light of the foregoing developments, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, either from the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the

Bosnian Serb forces. The Co-Chairmen also conclude that, during the period covered by the present report, there have been no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina."

Developments since the last report are outlined below.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

4. The legislation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) closing the border with the Bosnian Serbs continues to be in effect.

5. The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have provided the Mission with the following list of confiscations conducted along its border with Bosnia and Herzegovina for the month of July 1995:

Petrol	11.9 tons
Diesel	22.1 tons
Motor Oil	155 litres
Cigarettes	611 kilograms
Construction materials	4.9 tons
Wood	532 cubic metres
Alcohol	282 litres
Food	10.1 tons
Textiles, clothing, footwear	1.5 tons
Animals	14
Coffee	531 kilograms
Electrical gadgets	121 kilograms
Motor vehicles	10
Other goods	10.6 tons

6. There were 152 new offence procedures initiated during the month of July and 137 were finalized. Fines and penalties amounted to 312,450 dinars. There was a small increase over the previous month in the amount of fuel confiscated, and other categories of goods more or less remained at last month's level. The number of new offence cases, cases finalized and penalties were well above the average for the previous monthly periods.

7. Because of the regular smuggling activity across the Drina River in Sector Alpha, the Mission requested that confiscations in this sector, included in the monthly analysis, be identified separately. This revealed that 76 per cent of the fuel and 83 per cent of other goods confiscated in July along the border outside the border crossing-points occurred in Sector Alpha. These figures indicate that the authorities have taken action to stem smuggling in this high-risk area.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

8. As of 3 September 1995, there are 196 international observers on duty in the Mission. The Mission personnel to date have come from the following countries: Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America. At this time Canada, Portugal and Spain are not represented in the Mission.

9. In addition to 17 border crossing-points, the Mission mans train stations at Uzice and Priboj on a 24-hour basis to monitor all freight trains that cross into Bosnia between Uzice and Priboj. Operational command of the Priboj train element was transferred from Sector Bajina Basta to Sector Bravo on 1 September.

10. With the increase of Mission-owned vehicles and communication equipment, the Mission has established a workshop that is manned by three car mechanics and a radio technician.

11. A budget proposal for the next six-month period starting 1 October 1995 and ending 31 March 1996 has been submitted. The overall budget figure of US$ 4,179,700 is based on increasing the size of the Mission to 250 international personnel.

12. During the time period between 6-17 August, approximately 150,000 refugees from the Krajina region were estimated to have entered from Bosnia into the Federal Republic of Yugoslavia (Serbia and Montenegro). About two thirds of them crossed at Sremska Raca (Sector Belgrade) and the rest at Badovinci, Trbusnica and Mali Zvornik (Sector Alpha). Several thousand men in "RSK" uniforms, some of them armed, crossed into the Federal Republic of Yugoslavia (Serbia and Montenegro). Their weapons and ammunition were confiscated by the authorities. Many of the Federal Republic of Yugoslavia (Serbia and Montenegro) authorities manning the border crossing-points worked extremely long hours and their frustration was sometimes, understandably, evident. The border crossing-points Badovinci and Trbusnica were not manned for some days because of security reasons as refugees were gathering at the border crossing-points in an angry and sometimes vociferous mood. While unmanned, the border crossing-points were periodically patrolled by Mission teams. After 17 August the refugee influx practically subsided and the situation at the northern part of the border returned to normal.

IV. FREEDOM OF MOVEMENT AND SECURITY OF THE PERSONNEL

13. The Mission continues to enjoy freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro). However, on 10 August a Sector Alpha mobile patrol was prevented by a Yugoslav Army (VJ) patrol from proceeding south near Ljubovija. The Mission vehicle was searched by a VJ officer. A protest was lodged on 11 August with the VJ General Staff, which later apologized to the Mission for the incident. Security concerns limited surveillance in the Tara Mountain and Jamena areas and there was a lack of VJ personnel for Mission patrols in Sector Bajina Basta.

14. On 15 August, the Mission team at Uzice train station (Sector Bajina Basta) reported the arrival of two trains with more than 2,300 refugees. An irritated crowd around the container of Mission monitors at the station posed a danger of a potential conflict. Sealing of the trains was suspended and control of the train movement was conducted by counting cars and checking transit times. The next day the train team returned to its normal modus operandi. On 18 August, two monitors were threatened by local civilians from a disco in Bajina Basta. After being notified, the police conducted an investigation.

15. After midnight on 10 August, a Mission observer was involved in a fistfight with a local man in Priboj. On 16 August, a driver from Sector Bravo was hit on the head by a man who also threatened the driver if the latter continued to drive Mission cars. The matter was reported to the police, who identified and arrested the suspect the same day. The next day a Mission interpreter was threatened with rape by some local men if she kept working for the Mission. The incident was also reported to the police.

16. On 15 August, a Mission driver in Vilusi village (Sector Charlie) was cornered by a drunken Yugoslav Army (VJ) soldier who put a knife to the driver's throat, accusing him of being a spy. Another soldier took his intoxicated colleague away. The Yugoslav Army Liaison Officer (VJLO) was informed and promised to take action.

17. On 30 August, just before midnight, there were two explosions in the vicinity of the caravans at border crossing-point Nudo (Sector Charlie). The explosions were probably caused by either dynamite or concussion grenades. They did not cause any damage or casualties. There are no indications that this was anything more than an attempt to scare the observers.

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

18. Cooperation with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) has generally been good. During the influx of refugees some police and customs officers on the local level tended to distance themselves from observers. During August, the customs officers at Novi Sad on some occasions refused to use a metal probe and were reluctant to examine thoroughly bulk consignments of humanitarian aid, despite requests from Sector Belgrade observers. Following discussions between the Mission Senior Customs Adviser and the Federal Republic of Yugoslavia (Serbia and Montenegro) Deputy Director of Customs, an agreement was reached and the normal procedures of examining humanitarian aid were resumed in accordance with the standing arrangements.

VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

19. The operating principle of the Mission is to base its reporting and evaluations on its own observations and on information that it has verified. The Coordinator of the Mission maintained a standing request to Governments

possessing the technical capacity to provide it with information relevant to its mandate.

20. On 30 August and 1 September, the Mission received information from unspecified sources that ammunition is being loaded on trucks in different locations in Serbia and that these trucks are crossing into Bosnia at Sremska Raca. The Mission has intensified patrolling around the village of Sremska Raca and has vigilantly monitored the situation at the border crossing-point but no evidence to substantiate the above-mentioned information has been found.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE TO THE AUTHORITIES

21. Unarmed uniformed personnel continue to cross the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina. During the reporting period, 321 such incidents were recorded, 269 of them at Sremska Raca, not counting the "RSK" soldiers that crossed the border in uniform.

22. At Belgrade Port and Novi Sad, Mission observers in Sector Belgrade regularly refuse to seal humanitarian aid trucks when they have strong grounds for suspecting that the consignments are commercial. In effect, this prevents the loads crossing the border into Bosnia and Herzegovina. However, it is conceivable that, despite the efforts of the observers and the customs officials, some commercial consignments might get through disguised as Yugoslav Red Cross (YRC) humanitarian aid.

23. On 2 August at Sremska Raca (Sector Belgrade) two ambulances and two cars with "RS" military plates were allowed to cross into Bosnia and Herzegovina unchecked. Customs officers at the border crossing-point stated that they had been instructed by the police not to inspect them. Also, on 4 August, an ambulance crossing into Bosnia and Herzegovina was stopped but not searched. On 7 August, a Belgrade-registered taxi was initially denied entry into Bosnia and Herzegovina by Federal Republic of Yugoslavia customs officers for carrying 100 litres of fuel in two containers. After a short wait away from the border crossing-point the taxi was allowed to cross, although the fuel had not been unloaded. On 18 August, also at the border crossing-point at Sremska Raca, an inspection of a loaded truck revealed an estimated 6,000 litres of fuel in drums in the load compartment. The vehicle was impounded and customs offence action was taken against the driver.

24. At Sremska Raca on 10 August, a train (diesel engine and four carriages) was seen heading south on the line behind the border crossing-point. Traffic was stopped at the road/rail bridge and the train crossed the border heading towards the town of Bijeljina in Bosnia and Herzegovina. Later that day the train returned north across the border into the Federal Republic of Yugoslavia (Serbia and Montenegro). This railway line had not been used since the formation of the Mission. The Federal Republic of Yugoslavia (Serbia and Montenegro) authorities explained that the train was sent from Sid to Bijeljina to collect refugees who had no transport. The train crossed into Bosnia and Herzegovina again at 1940 hours on 10 August and returned the next day at

1245 hours with eight passenger carriages and some flat-bed freight wagons. These crossings are reported as violations of the border closure as the Mission observers were unable to check the carriages. On 12 August at 0020 hours a train crossed to Bosnia and Herzegovina and returned to the Federal Republic of Yugoslavia (Serbia and Montenegro) at 0300 hours. On both occasions the Mission team checked the carriages. Another train movement took place at 1115 hours outbound and 1345 hours inbound. On these occasions the team was not able to check the train.

25. Smuggling of fuel continues across the Drina River north of Trbusnica (Sector Alpha), especially in the vicinity of Lesnica. The Mission's mobile patrols have on several occasions detected barrel tracks and evidence of spilt fuel on the ground at the river's edge. Numerous empty barrels and 20-50 litre fuel containers have also been detected. On 22 August, the Sector patrol in the area north of the border crossing-point at Trbusnica reported evidence of fuel being smuggled in drums on boats across the Drina River. Federal Republic of Yugoslavia (Serbia and Montenegro) customs authorities were notified of the violation. On 23 August, a Sector Alpha mobile patrol 4 kilometres north of Trbusnica observed a boat with an outboard motor and loaded with large container-like objects camouflaged with leaves and branches. A few hours later the patrol observed a smaller boat on which was loaded a large number (approximately 40) of cardboard boxes and some canisters. The boat crossed to the "RS" side of the river. On 23 August, in the Citluk area, two boats crossed the River Drina and unloaded their cargo to a truck waiting on the "RS" side. The Mission Senior Customs Adviser met on 25 August with the Deputy Director of the Federal Republic of Yugoslavia (Serbia and Montenegro) customs and discussed the fuel smuggling along the Drina, pointing out the apparent lack of effort by the military and the special police to control it. On 28 August, a letter was sent to the Federal Republic of Yugoslavia (Serbia and Montenegro) customs providing some details of the findings of Sector Alpha mobile patrols. On 1 September, the Mission Coordinator and his Senior Customs Adviser met with the Director General of the Federal Customs Administration to express his serious concerns about the smuggling along the Drina. The Federal Republic of Yugoslavia customs authorities were fully aware of the situation and promised that joint customs, police and military teams will do their utmost to close that part of the border more effectively.

26. After having been curbed for a while, the problem of "ant trade" resurfaced in August, especially at the border crossing-point Badovinci (Sector Alpha), where bicycles are crossing carrying cement and beer. During the Mission Coordinator's meeting with the Director General of Federal Republic of Yugoslavia (Serbia and Montenegro) Customs on 1 September, it was indicated that the bicycle traffic will be reduced significantly.

27. On 21 August, observers at the border crossing-point Badovinci reported that 20 Federal Republic of Yugoslavia (Serbia and Montenegro) policemen armed with assault rifles crossed the border into Bosnia and Herzegovina. They returned two hours later and Federal Republic of Yugoslavia authorities explained to observers that there had been a problem with some "RSK" soldiers that they had had to handle.

28. During August tension increased in the Tara mountains in Sector Bajina Basta, where refugee soldiers of the Army of Bosnia and Herzegovina were alleged to have crossed the border from eastern Bosnia. Mission-patrolling was restricted in the area for security reasons.

29. At Kotroman on 3 August during the night, three vehicles, one of them an ambulance, were allowed to cross into Bosnia and Herzegovina unchecked.

30. In Sector Bravo two new river fords were detected two kilometres north of Uvac. The level of the River Lim is low and it is clear that a few small vehicles crossed the river because of the evidence of tracks on both sides of the river. Mission and VJ patrols will observe the new crossings.

31. At Sula on 1 August, two vehicles filled with goods were allowed to cross into Bosnia and Herzegovina without checking. On 31 August at the same border crossing-point, a bus was allowed to cross into Bosnia and Herzegovina without being checked.

32. At Scepan Polje (Sector Charlie) on 31 July, a vehicle was turned back for carrying excess fuel. The car returned to the village about 300 metres from the border crossing-point. The customs and police officers then looked the other way when the driver and passenger carried four jerrycans to the border down by the river. Afterwards the officers allowed the vehicle to pass to Bosnia to retrieve the illicit cargo on the other side of the checkpoint.

33. At Vracenovici on 2 August, one car containing excess commercial goods was allowed to cross into Bosnia and Herzegovina. On 26 August at Vilusi, a truck loaded with foodstuffs - claimed to be humanitarian aid - was allowed to cross into Bosnia and Herzegovina although it had not been checked and sealed by customs/Mission teams in advance and had no proper documentation.

34. On five separate occasions uniformed policemen and soldiers were allowed to cross the border in Sector Charlie carrying their sidearms: these incidents occurred on 1 and 19 August at Vilusi, on 2 August at Vracenovici, on 19 August at Vilusi and on 19 and 22 August at Scepan Polje.

35. On 21 August, a helicopter was seen crossing the border in the vicinity of Nudo. The investigation revealed that the helicopter was privately owned locally. Probably the same helicopter crossed the border from Bosnia and Herzegovina on 1 September.

VIII. CERTIFICATION

36. In the light of the foregoing developments, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, either from the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina

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